### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/588,044

Applicant: Baekelmans et al.

Filed: August 1, 2006

TC/AU: Unassigned

Examiner: Unassigned

Docket No.: 253773 (Client Reference No. YCJ27731P.USP)

Customer No.: 23460

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

In re Appln. of Baekelmans et al. Application No. 10/588,044

•	of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
	after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes <i>one</i> of:
	the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
	the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
	after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
	after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and within thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).  NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.
Copie	s of the References
$\boxtimes$	Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
	Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
	Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
$\boxtimes$	A copy of the foreign search report is enclosed herewith.
	The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not

In re Appln. of Backelmans et al. Application No. 10/588,044

submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLI	CATIONS	STATUS (check one)			
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
1.	·				
2.					
3.					

State	ment under 37 CFR 1.97(e)
	The <b>undersigned</b> hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
	The <b>undersigned</b> hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
State	ment under 37 CFR 1.704(d)
	The <b>undersigned</b> hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
Fees	
	No fee is owed by the applicant(s). Charge Deposit Account No. 12-1216 in the amount of \$180.00 (37 CFR 1.17(p)). (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Baekelmans et al. Application No. 10/588,044

## Authorization to Charge Additional Fees

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

### Instructions as to Overpayment

Credit Account No. 12-1216.
Refund

John L. Gase, Reg. No. 47,590 LEYDIG, VOIT & MAYER, LTD. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)

Date: December 15, 2006

Please type a plus sign (+) inside this box ->	+
--	---

Substitute for form 1449A/B/PTO

# **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

(Use as many sheets as necessary)

1 1 Sheet of

Complete if Known			
Application Number	10/588,044		
Filing Date	August 1, 2006		
First Named Inventor	Baekelmans et al.		
Group Art Unit	Unassigned		
Examiner Name	Unassigned		
Attorney Docket Number	253773		
Client Reference No.	YCJ27731P.USP	, <u>-</u>	

	U.S. PATENT DOCUMENTS						
	Doc. No.	U.S. Patent Doo	ument	Name of Patentee or Applicant			
Examiner Initials		Application or Patent Number	Kind Code		Date of Publication	Filing Date If Appropriate	
	, , , , , ,						
						·	
						<del>-</del>	
						-	
						<u>-</u>	
				<del></del>			
				· · · · · · · · · · · · · · · · · · ·			
			1				
		· · · · · · · · · · · · · · · · · · ·					
		·····					

FOREIGN PATENT DOCUMENTS									
		Foreign Patent Document		nt			Translation		
Examiner Initials	Doc. No.	Office	Application or Patent Number	Kind Code	Name of Patentee or Applicant	Date of Publication	Yes	No*+	
	AB	WO	00/07437	A1	Rutgers, The State University of New Jersey	Feb. 17, 2000			
	AC	WO	02/078451	A1	Premier Botanicals Ltd.	Oct. 10, 2002		· <del></del>	
	ΑD	WO	02/094005	A2	Michigan Biotechnology Institute	Nov. 28, 2002			
· · · · · · · · · · · · · · · · · · ·	ΑE	JP	8133923	Α	Mitsui Norin	May 28, 1996			
	AF	JP	9002913	Α	Mitsui Norin	Jan. 7, 1997			
	AG	JP	9227396	Α	Sato	Sep. 2, 1997		-	

Doc.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item			
No.	(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Yes	No*+	
АН	MIYAKODO et al., J. Pesticide Sci., 10: 101-106 (1985)			
		No. (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	No. (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	

Examiner	Date Considered
Signature	

A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

Han English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).